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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,862	10/27/2000	Charles L. Hunter	10001746-1	5899

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EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 10/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,862

Applicant(s)

HUNTER ET AL.

Examiner

Angel A Castro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20-23 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-6 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 5, it is not clear how the sleeves and the wings can expand or contract since they are only allowed to slide to accommodate the disc.

With regard to claim 22, it is not clear how the step of adjusting can include pulling and pushing at the same time, must probably should read as pulling or pushing the sleeve to increase or decrease the size of the disc player.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-4, 7-16, 20-21, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kokubo et al (U.S. Pat. 6,385,154).

Regarding claim 1, Kokubo et al discloses a scalable optical disc player (figure 1) comprising:

a top and bottom cover 5 and 3, each cover having a pair of mounting posts 34 adjacent a back side of the player;

a top and bottom set of wings 6 and 4, each wing pivotally couples to the respective mounting post and including a guide pin 37; and

a top and bottom sleeve 5a and 3a movably coupled between the respective cover and pair of wings, each sleeve includes a pair of guide slots 36 and 22 being positioned to receive each respective guide pin of each wing.

Regarding claim 2, Kokubo et al shows a data transfer device 13 ("DTD") attached to a surface of the bottom cover.

Regarding claim 3, Kokubo et al shows a data connectors 71 (figure 5) coupled between an exterior surface of the bottom cover and the DTD for transferring data from the disc to the connectors, via the DTD.

Regarding claim 4, Kokubo et al discloses that the DTD can read and/or write data to/from the disc (column 12, lines 1-3).

Regarding claim 7, Kokubo et al shows that each wing of the top and bottom set of wings further include a flange adjacent either the left or right side of the disc player to protect the disc being contained within the disc player (see figures 1 and 4).

Regarding claim 8, Kokubo discloses that the disc player can be expanded or retracted in the width direction, therefore the sleeves would include a flange adjacent the front side of the disc player to protect the disc being contained within the disc player (column 12, lines 14-21).

Regarding claim 9, Kokubo et al shows that the top and bottom covers hingably couple to provide the disc player with an open and closed position for inserting, containing and removing the disc (see figure 4).

Regarding claim 10, Kokubo et al shows that a portion of the top cover is translucent or transparent to allow any indicia on the disc to be visible while being contained by the disc player (see figure 2, window 72).

Regarding claims 11 and 15-16, Kokubo et al shows that the top cover further include a first wall (near the pin 31) of a first height adjacent the back side of the disc player, and a second wall 5c of a second height adjacent a side portion of the disc player, the first height being greater than the second height (see figure 3).

Regarding claim 12, Kokubo discloses a portable disc player having a casing for containing various disc sizes, the casing comprising:

- a top and bottom shell 5 and 3 movably attached to allow the insertion and removal of the disc within a cavity of the casing;

- a data transfer device 13 ("DTD") attached to the bottom shell for transferring data;
- and

- a mechanism 6 and 4 for scaling the overall size of the player to accommodate disc size.

Regarding claims 13 and 23, Kokubo discloses a I/O port 71 coupled between an exterior surface of the disc player and the DTD to transfer audio, video or computer data from the disc to a speaker, video display or a processor, via the DTD (figure 5).

Regarding claim 14, it is inherent in the reference to Kokubo that the disc may be a CD or DVD having a size selected from the group including 120mm and 80mm (Kokubo discloses that a 120mm disc is shown in column 2, lines 49-53).

Regarding claims 20 and 21, Kokubo discloses a process for containing an optical disc within casing of a portable disc player or recorder having a case scaling mechanism, the process comprising:

opening a top portion of the casing to expose a shell cavity;
securing the disc to a data transfer device ("DTD") within the shell cavity; and
closing the top portion to contain a portion of the disc within the shell cavity (column 8, lines 32-67 and column 9, lines 1-10).

Allowable Subject Matter

5. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ma (U.S. Pat. 6,477,128) discloses a portable player; Ogiro et al (U.S. Pat. 6,137,759) discloses a removable disk drive system; Berry et al (U.S. Pat. 6,229,779) discloses a physical play-in-place audio compact disc jewel case; Kamemura et al (U.S. Pat. 6,169,720) discloses a disk playback device; Yamamori (U.S. Pat. 5,870,367) discloses a disc recording and/or reproducing apparatus; Ishii et al (U.S. Pat. 5,265,083) discloses a portable disc player.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.


Angel Castro, Ph.D.